

OFFICIAL COPY

Fresno, California

March 26, 2002

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Jesse Avila, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Tom Sims, Baptist Temple Church, gave the invocation, and a San Joaquin Memorial High School student led the Pledge of Allegiance to the Flag.

PROCLAMATION OF SHARK WEEK - MAYOR AND COUNCIL

Read and presented.

HAPPY BIRTHDAY TO ACTING PRESIDENT CASTILLO

Birthday wishes extended.

CERTIFICATES OF COMMENDATION FOR THE SAN JOAQUIN MEMORIAL BOYS AND GIRLS SOCCER TEAMS - PRESIDENT PEREA

Presented.

RESOLUTION OF COMMENDATION TO THE CHINESE DELEGATION FROM GUIZHOU UNIVERSITY CONSORTIUM - MAYOR AUTRY AND PRESIDENT PEREA

Read and presented.

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The City Council recessed at 8:57 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MARCH 19, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency minutes of March 19, 2002, approved as submitted.

APPROVE AGENCY AGENDA:

(“D”) CONSIDER AND GIVE DIRECTION TO CITY AND AGENCY STAFF REGARDING A CITY HOUSING POLICY AND PRIORITIZE THE USE OF HOUSING FUNDS CONSISTENT WITH THIS POLICY IN CITY NEIGHBORHOODS - COUNCILMEMBER BOYAJIAN (*TIME TO BE SET AT AGENDA APPROVAL*)

On motion of Chair Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above matter “D” set for 4:00 p.m. this date, and the Agency agenda hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“A”) CONSIDER REQUEST BY CIVIC CENTER SQUARE, INC., TO AMEND SETTLEMENT STIPULATION AND STIPULATED JUDGEMENT TO ALL MONTH-TO-MONTH EXTENSIONS OF TIME TO BEGIN AND COMPLETE CONSTRUCTION OF IMPROVEMENTS ON PARCEL 7 WITHIN CIVIC CENTER SQUARE AREA (TULARE BETWEEN “N” AND “O” STREETS)

Redevelopment Administrator Murphey gave a brief overview of the staff report as submitted and advised CCSI principals Mr. Tutelian, his Attorney Carl Motschiedler, and bank representative Ms. Karst were present to provide information.

Mr. Motschiedler stated Ms. Murphey fairly described CCSI’s proposal and noted it was set out in greater detail in their letter (contained in the staff report); expanded on issues relative to their proceeding with diligence to make the project happen, the practicality of their proposal, the extension payments, and the bank letter of interest; requested Council approve their request stating the consideration they were offering was fair and they had made substantial progress in leasing, financing, preparation of plans, compliance with the prerequisites of permits, and tenant commitments; and concluded emphasizing this was a real, substantial, credible project with a real, substantial, credible developer who had the financial qualifications to build this project.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Agency Director Fitzpatrick responded briefly to questions of Councilmember Ronquillo relative to the meeting/discussion/negotiations that took place, and Councilmember Ronquillo spoke in support of the proposal with the extension payments and made a motion to approve Option 1, which motion was seconded and subsequently amended and acted upon.

Bank Vice President Katherine Karst, Mr. Motschiedler and Mr. Tutelian clarifying issues and/or responding to questions, comments and/or concerns of Councilmembers Calhoun, Ronquillo, President Perea and Councilmember Boyajian relative to when the extension payments would begin, concern with the December 2003 date being proposed, support for starting the extension payments on April 1st, the bank's letter of interest, the court judgment relative to permanent loan commitment and if the bank's letter of interest satisfied that judgment, why December 2003 was being requested, President Perea commenting on the strong legacy of Mr. Tutelian **(2 - 0)** but expressing his concern with "extension after extension after extension" and stating Council could not hold to their decision and he could not support the motion, continued questioning relative to what the bank needed to make a loan commitment, if attempts were being made to get other participants in the project, percentage of the building that needs to be occupied/leased before the bank commits, the project's worth, the bank's investment, what CCSI's next step was in the process, if CCSI was in the final stages of negotiations with tenants, how long tenant negotiations had been occurring, why CCSI needed until December 2003, and if September 11th hurt the project relative to tenants.

Stating he felt the December 2003 date was too long of an extension time Councilmember Ronquillo amended his motion to extend the completion date to April 2003 with the same terms and conditions. Discussion continued with Mr. Fitzpatrick and Mr. Avila responding to questions, comments and/or concerns of Acting President Castillo, Councilmember Ronquillo, President Perea and Councilmembers Calhoun and Duncan relative to how the date to begin the extension payments was determined, why retroactive payments back to the first approved extension was not being suggested, the settlement agreement and what the timeframe was at that time to commence construction, the developer's concern about lost opportunity for the City, how recent the last meeting with the CCSI group was, if the \$400,000 settlement payment was paper money or if it had been paid out yet, clarification that CCSI would only pay \$5,000 (not \$10,000) if the 5th District Court of Appeal does not relocate by December 2005, and what CCSI had at this time that they did not have at the last extension. Acting President Castillo expressed his concern stating there were too many ifs and loopholes and that unclear information was submitted.

Mr. Avila recommended the motion be approved subject to the terms being reduced by an amended stipulation, subject to approval as to form by the City Attorney, and with CCSI paying the attorney's fees for that process.

President Perea noted the property has been under CCSI's control since 1980 yet they have not been able to construct a 20,000 square foot building as originally proposed, later increased to 40,000 and now at 80,000 square feet, and questioned, with a parking structure now being attached to the project, if taxpayer dollars would be required to subsidize the project to make it work, with Mr. Fitzpatrick responding. Councilmember Calhoun clarified he would support an extension to December 2002 with payments beginning immediately as he did not want this matter carried over to three new Council members next year. Councilmember Ronquillo reiterated his support stating this was going to be a grand \$20 million project and added the current low interest rates would be a motivation for CCSI to proceed quickly. Brief discussion ensued on the monthly extension payments relative to the Court of Appeals relocating, and if the banker had seen any signed leases and if they were prepared to make the loan, with Councilmember Ronquillo and Ms. Karst responding.

Chair Duncan complimented the Tutelian's for their downtown investments and spoke in support of the request and their willingness to pay the tax increment on a building that didn't even exist yet, and added it was important to show the public the City was serious about downtown investment/revitalization and was willing to be flexible.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, Option 1 approving the requested extension through June 30, 2002, with the option for further extensions on a month-to-month basis, through, *as amended*, April, 2003, (or an earlier date as determined by the Council/Agency Board) and the payment of compensation to the Agency for the monthly time extensions and requiring compensation to the Agency for attorney and staff time associated with the processing of this time extension hereby approved; and, *in addition*, approval subject to the terms being reduced by an amended stipulation (subject to approval as to form by the City Attorney) and CCSI required to pay attorney's fees for that process, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo, Duncan
Noes	:	Calhoun, Castillo, Perea
Absent	:	None

(“B”) CONSIDER DIRECTING AND AUTHORIZING AGENCY AND CITY STAFF TO PURSUE MATTERS RELATING TO THE POTENTIAL DEVELOPMENT OF A 178,000 SQUARE FOOT INTERNAL REVENUE SERVICE FACILITY ON A SITE LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT AREA, APPROXIMATELY 4 ACRES OF PROPERTY BOUND BY TUOLUMNE, BROADWAY, “H” STREET AND THE MERCED MALL

1. AUTHORIZE AGENCY AND CITY STAFF TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE UNITED STATES OF AMERICA, GENERAL SERVICES ADMINISTRATION, FOR THE POTENTIAL DEVELOPMENT (COUNCIL AND AGENCY ACTION)
2. AUTHORIZE THE AGENCY TO MAKE OFFERS TO PURCHASE CERTAIN REAL PROPERTY KNOWN AS APNs 466-206-16 & 19 (COUNCIL AND AGENCY ACTION)
3. TRANSFER THE TITLE OF CITY-OWNED PARCELS, APNs 466-206-18T, 20T AND 21T TO THE AGENCY (COUNCIL AND AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the staff report as submitted.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Councilmember Ronquillo commented on the area, need to develop the site, site size/total acreage, and his support for the proposed project and the ability for it to be an anchor for a mixed-used development and explained, and made a motion to approve staff's recommendation **(3 - 0)**, which motion was seconded by Chair Duncan who stated this was another project for downtown and an exciting opportunity.

Lengthy discussion ensued with Ms. Murphey, City Manager Hobbs and Assistant City Attorney Avila clarifying issues, commenting on, and/or responding to questions of President Perea, Councilmembers Boyajian, Ronquillo, Castillo and Chair Duncan relative to how the project fit into Vision 2010, timing to fit in other mixed uses, if filling up downtown sites with government buildings was the maximum best use of properties, President Perea stating his concern was the IRS constructing buildings in an entertainment complex with activity only from 8 to 5 pm and prime space being taken, past inactivity downtown and need to grab opportunities when they arise, if the IRS was committed to the project, other sites being available that could meet the GSA's requirements, if the site preparation was needed before the GSA put out an RFP, action being requested this date being in anticipation of action to be taken

by the IRS and before having a developer or project, all matters coming back to Council for final approval, the City preparing the environmental report to meet NEPA requirements as a federal project, a government center being a major pillar for downtown and the need to be “stingy” and keep government buildings in the area, if it was too late to trade out land for the old Federal courthouse and how that issue could be tied into negotiations, if staff had concerns with the lack of a developer at this time, who would select the developer, inquiries being made on the site, if the GSA required a minimum number of developers, number of potential jobs, and a required parking structure being part of the specifications.

On motion of Councilmember Ronquillo, seconded by Chair Duncan, duly carried, RESOLVED, (1) Agency and City staff authorized to negotiate a Memorandum of Understanding with the United States of America, General Services Administration, subject to approval of the terms and conditions thereof by the office of the City Attorney; (2) the Agency authorized to make an offer to purchase the privately-owned parcels (APNs 466-206-16 & 19) within the available property and staff authorized to pursue all other legal requirements and procedures to complete the acquisition; and (3) procedures to transfer the title of the City-owned parcels (APNs 466-206-18T, 20T and 21T) to the Agency hereby authorized, by the following vote:

Ayes	:	Boyajian, Calhoun, Perea, Quintero, Ronquillo, Duncan
Noes	:	Castillo
Absent	:	None

(“C”) CONSIDER APPROVAL OF MATTERS REGARDING PARKING FOR THE DOWNTOWN STADIUM
1. APPROVE A PARKING AGREEMENT BETWEEN THE CITY AND THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION (EOC) FOR USE OF THE EOC PARKING LOT AT THE EXECUTIVE PLAZA OFFICE FACILITY, EASTERLY SIDE OF “H” STREET BETWEEN MARIPOSA AND TULARE STREETS, FOR STADIUM EVENT PARKING
2. DIRECT AGENCY STAFF TO NEGOTIATE A LETTER AGREEMENT WITH EOC TO FACILITATE APPROPRIATE DEVELOPMENT OF THEIR FACILITIES IN FRESNO’S REDEVELOPMENT AREAS

Redevelopment Administrator Murphey reviewed the staff report as submitted, and advised non-substantive changes were made to the draft parking agreement and a new agreement had been distributed, and this was a staff negotiated agreement and EOC intended to recommend it to its Board and staff would return with the agreement if substantial changes were made by the Board.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Ms. Murphey, Agency Director Fitzpatrick and Assistant City Attorney Avila responded to concerns of Councilmember Calhoun relative to the trade-off and tying an agreement for parking with the other issues the Agency would utilize best efforts to provide, with Councilmember Calhoun questioning why the two were being tied together and stating the City was not getting a fair return. Councilmember Ronquillo spoke in support citing the close parking and revenue stream, and made a motion to approve staff’s recommendation, which motion was seconded and later acted upon. Ms. Murphey responded to questions and comments of President Perea relative to whether this was a good deal for downtown and the taxpayer, if a financial analysis had been conducted, meaning of the “best efforts” items, how staff was sure the City would not lose money in the deal, and EOC’s need for land and their intentions. President Perea stated he did not know if the City would make or lose money with the arrangement and made a motion to table the matter for additional information.

A motion of President Perea, seconded by Acting President Castillo, to table the matter two weeks to receive additional information from staff failed, by the following vote:

Ayes	:	Calhoun, Castillo, Perea
Noes	:	Boyajian, Quintero, Ronquillo, Duncan
Absent	:	None

Discussion continued with Mr. Fitzpatrick and Mr. Avila clarifying issues and responding to questions and/or comments of Councilmembers Boyajian and Ronquillo relative to **(4 - 0)** whether staff was comfortable with the contract, if staff felt the City would be losing money, if the agreement would provide future benefit to the City, the parking lot currently being under-utilized, possibility of constructing a multi-level/multi-use structure, partnering with EOC being a great arrangement, staff not proposing to give up land without public consideration, and option to remove paragraph 5c from the parking agreement and address/negotiate the “best efforts” issue separately. Councilmember Ronquillo stated to him it was clear the issue of the City giving their best efforts was a separate issue but he would remove it from the agreement if it would make Council more comfortable. Councilmember Calhoun stated he felt the issue was being rushed and he supported tabling the matter so staff could return with a report containing additional information on the revenue stream and all clarifying language. Acting President Castillo stated he was disappointed with the lack of information in the staff reports on all Agency items presented this date and he hoped this would not become routine. Chair Duncan stated if agreement could not be reached the City would not get to use the parking lot, relative to timing stated the parking was needed by May 1st and delaying would only hurt and explained, and clarified the negotiated contract would be coming back to Council for final approval.

On motion of Councilmember Ronquillo, seconded by Chair Duncan, duly carried, RESOLVED, a Parking Agreement with the Fresno Economic Opportunities Commission to provide for the use of 175 parking spaces in EOC’s existing parking lot on the easterly side of “H” Street between Mariposa and Tulare Streets for stadium event parking hereby approved, *as amended, excluding Section 5c*, with such changes as the City Manager may deem appropriate and as approved by the City Attorney’s Office; and Agency staff directed to negotiate a letter agreement with EOC to facilitate appropriate development of EOC’s facilities in downtown Fresno and adjacent industrial areas, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo, Duncan
Noes	:	Calhoun, Castillo, Perea
Absent	:	None

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The joint bodies recessed at 11:10 a.m. to later in the afternoon for Item “D” set for 4:00 p.m.

RECESS - 11:10 A.M. - 11:19 A.M. The City Council reconvened in regular session with Councilmembers Quintero and Ronquillo arriving later.

APPROVE CITY COUNCIL MINUTES OF MARCH 19, 2002

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED, the Council minutes of March 19, 2002, approved as amended.

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APPROVE AGENDA:

(10:30 A.M.) HEARING TO CONSIDER ALIGNMENT AND WIDTHS OF PROPOSED PUBLIC STREETS FOR A 26-PARCEL INDUSTRIAL DEVELOPMENT PROPOSED ON THE EAST SIDE OF N. BRAWLEY BETWEEN W. SHAW AND W. ASHLAN AVENUES, TENTATIVE PARCEL MAP NO. 2001-15 (PROPERTY LOCATED IN DISTRICTS 1 AND 2)

(2:00 P.M. #2 - "B") PERFORMANCE EVALUATION - CITY ATTORNEY

After adoption of the Consent Calendar the City Clerk advised, (1) at staff's direction, the **10:30 A.M.** item was being laid over to April 9, 2002, at 10:45 a.m., and (2) added to **2:00 P.M. "B"**: "*Pursuant to Government Code Section 54957*". So noted.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

Councilmember Quintero arrived at 11:21 a.m.

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ADOPT CONSENT CALENDAR:

(1-A) ADOPT RESOLUTION OF INTENTION NO. 988-D FOR THE VACATION OF MAIN STREET BETWEEN "N" AND "O" STREETS, A PORTION OF "N" STREET BETWEEN TULARE AND MAIN STREETS, A PORTION OF THE "N-O" ALLEY ALIGNMENT BETWEEN TULARE AND MAIN STREETS, AND A PUBLIC UTILITY EASEMENT IN THE "N-O" ALLEY ALIGNMENT BETWEEN TULARE AND MAIN STREETS, AND SETTING THE PUBLIC HEARING FOR APRIL 16, 202, AT 10:00 A.M.

(1-B) APPROVE THE LEASE OF A BUILDING AT 4922 E. YALE AVENUE FOR USE BY THE SOUTHEAST POLICING DISTRICT, AND AUTHORIZE THE POLICE CHIEF TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY

(1-C) APPROVE UTILITY AGREEMENT NOS. 06-1102.23, 06-11-2.33 AND 06-1102.42 WITH CALTRANS FOR CONSTRUCTION COSTS RELATED TO THE RELOCATION OF WATER, SEWER AND STREET LIGHTING FACILITIES WITHIN THE ROUTE 180 PROJECT FROM CHESTNUT TO CLOVIS AVENUES

1. * RESOLUTION NO. 2002-101 - 88TH AMENDMENT TO AAR 01-200 APPROPRIATING \$542,600 FOR PROJECT CONSTRUCTION COSTS

2. AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-D) DECLARING ALL THREE BIDS RECEIVED FOR A NEW CLASS 6 TRUCK WITH A SCISSOR LIFT TO BE NON-RESPONSIVE TO THE BID SPECIFICATIONS, AND REJECT ALL BIDS AND DIRECT STAFF TO REVISE THE SPECIFICATIONS AND REBID THE CLASS 6 TRUCK WITH A SCISSOR LIFT

(1-E) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR IRRIGATION EQUIPMENT AND SUPPLY PARTS, EXCLUDING BID ITEM #78, TO: KERN TURF SUPPLY, INC., OF FRESNO FOR SECTIONS I, IV, VI, VIII, X AND XI IN THE AMOUNT OF \$101,182.38, TO UNITED GREEN MARK OF NOVATO, CA FOR SECTIONS II, IX AND XII IN THE AMOUNT OF \$77,280.64, AND TO AUTOMATIC RAIN COMPANY DBA HORIZON FOR SECTIONS III AND V IN THE AMOUNT OF \$64,808.14

Councilmember Calhoun complimented staff and the companies awarded the bids (one local and the other two with local branch offices) for sending money throughout the community. Councilmember Ronquillo arrived at 11:23 a.m.

(1-F) RESOLUTION NO. 2002-102 - APPROVING FINAL MAP OF TRACT MAP NO. 4646 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PHASE I OF VESTING TENTATIVE MAP NO. 4646/UGM 534, EAST SIDE OF N. FOWLER BETWEEN W. DAKOTA AND W. ASHLAN AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE STREET FACILITIES

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS FOR PLANTING AND MAINTAINING FRONT YARD TREES, AND THE STATEMENT OF COVENANTS FOR RIGHT TO FARM

3. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO DEVELOP AND ENTER INTO A CONSTRUCTION AND REIMBURSEMENT AGREEMENT ON BEHALF OF THE CITY FOR SANITARY SEWER FACILITIES WITH THE SUBDIVIDER SHOULD THE CITY'S NEGOTIATIONS WITH THE CITY OF CLOVIS FOR SEWER CAPACITY IN THE FOWLER TRUNK SEWER LINE FAIL

(1-G) APPROVE TEMPORARY TRANSFER OF VEHICULAR EQUIPMENT FROM THE STATE OF CALIFORNIA, AND AUTHORIZE THE FIRE CHIEF TO EXECUTE THE AGREEMENT WITH THE STATE OF CALIFORNIA, OFFICE OF EMERGENCY SERVICE, FIRE AND RESCUE BRANCH

(1-H) CONSIDER CONTINUATION OF RES. 01-337 PROCLAIMING A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT BASED UPON THE THREAT OF ENEMY ATTACK OR SABOTAGE

1. RESOLUTION NO. 2002-103 - CONTINUING RES. 01-337 PROCLAIMING A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT BASED UPON CONTINUING EXISTENCE OF FACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE

(1-I) AUTHORIZE THE CHIEF OF POLICE TO SUBMIT A GRANT APPLICATION TO THE STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING FOR A REGIONAL LAW ENFORCEMENT TRAINING CENTER FOR THE FRESNO POLICE DEPARTMENT

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-01-049 AND ENVIRONMENTAL FINDINGS, FILED BY JERRY A. MARKARIAN, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EMERSON AND SWIFT AVENUES (LOCATED IN DISTRICT 1)

1. CONSIDER ND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-049
2. BILL NO. B-17A - ORDINANCE NO. 2002-16A - AMENDING THE OFFICIAL ZONE MAP TO RE ZONE FROM R-1 TO R-3

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Dilbeck reviewed the issue as contained in the staff report and along with Theo Blum, T.A. Blum Associates, 4331 N. Golden State Boulevard Ste. 101, responded to questions of Councilmember Boyajian relative to the type of apartments that would be constructed, the recent improvements to the blighted area and what type of project this would be for the area, proximity of the apartments to the development to the west, the canal, fence height and if there was any concern for the children, if the apartments were going to be more upscale than those across the street, comparison to the Emerson/Hughes complex, construction timeframe, number, size and type of units proposed, and if there would be adequate green/playing space in the complex.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-01-049, dated February 1, 2002, hereby approved; and the above entitled Bill No. B-17A approving Rezoning Application No. R-01-049 adopted as Ordinance No. 2002-16A subject to the density limitation of the R-2, Low Density Multiple-Family Residential District, and substantial compliance with Exhibit A, dated January 11, 2002, submitted by the applicant, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	Ronquillo
Absent	:	None

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(10:15 A.M.) HEARING RELATING TO GROUP HOMES

1. * BILL NO. B-69 (INTRODUCED 8/21/01) - ORDINANCE NO. 2002-17 - TEXT AMENDMENT NO. TA-00-02 AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND ENVIRONMENTAL FINDINGS RELATED TO GROUP HOUSING FACILITIES TO (1) REDEFINE THE USE, (2) CLASSIFY THE DIFFERENT TYPES OF GROUP HOUSING, AND (3) ESTABLISH PERFORMANCE STANDARDS

President Perea announced the time had arrived to consider the issue and opened the hearing. Acting President Castillo advised he was employed by a group home, recused himself from the proceedings, and left at 11:33 a.m.

the ordinance bill. City Attorney Montoy advised considerable review and analysis had taken place as well as many public hearings; clarified this was a land use ordinance and did not discriminate and focus on disability or income levels; stated it offered reasonable accommodations as required by State and Federal law and that the spacing requirement was reduced to 300 feet consistent with State law; and advised the City would be seeking guidance from the Federal Court through existing litigation with FAMI and she believed the ordinance would be upheld.

Speaking to the issue were: Jacob Scott, 1026 W. Brown; Alejandro Coronado, 605 W. Brown; Ron Langford, 823 W. Brown; Jacob Scott read a statement into the record from Ellie Hefner; Roselyn Clark, 3860 E. Rialto, Chair, Fulton-Lowell Specific Plan Implementation Committee; Barbara Hunt, 612 "F" Street, Becky Foore-Hayden, 248 N. Van Ness; and Gloria Moralez, 153 N. Effie.

Upon call, no one else wished to be heard and President Perea closed the hearing.

(5- 0) Councilmember Ronquillo commented on the issue stating the City never really had the ability to be proactive and put requirements in place, stated this type of legislation was needed for neighborhoods and to regulate and hold people responsible, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon. Councilmember Duncan stated the reality was the City was limited in what it could do or even say publicly on group home issues as this was a State mandated issue; complimented staff for sticking with the ordinance as it addressed land uses related to group homes as much as possible; and advised all addresses of group homes were listed in District 6's website and encouraged all those interested in further management of the issue to contact Assembly Member Briggs' office who was working with a team on the issue.

Extensive discussion ensued with Ms. Clark, Mr. Stiglich and Ms. Montoy responding to questions and/or comments of Councilmembers Quintero, Boyajian and Calhoun relative to the 300-ft. notification requirement, the review and notification process with State-licensed facilities, if the majority of facilities would contain six or fewer residents, what the City could do to change regulations for 6 or fewer residents so notification takes place, enforcement options and process, if homes could be charged for false alarm/police service calls, need to keep a record on the number of calls to build cases against non-compliant homes, cul-de-sac groups homes and difficulty with safety service calls, if group homes in areas could be regulated like liquor licenses, need to go further than the subject ordinance to address neighborhood concerns, if annual inspections were required, Councilmember Quintero expressing concern if not much more could be done with the new ordinance, if CUP's would be required for new facilities, the process and if CUP's would come before Council, Councilmember Boyajian speaking in support stating this was a start and the ordinance would be refined as special issues arise, cost of a CUP, and existing noticing requirements. Councilmember Calhoun commented on his personal experience with a well-managed group home in his neighborhood and spoke in support of the ordinance encouraging area residents to contact their Council representative with any concerns. President Perea thanked Councilmember Boyajian and staff for all their efforts.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, Environmental Assessment No. TA-00-02, a Negative Declaration prepared for this project hereby adopted, and the above entitled Bill No. B-68/Ordinance No. 2002-17 adopting Text Amendment No. TA-00-02 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None
Recused : Castillo

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LUNCH RECESS - 12:24 P.M. - 2:06 P.M. Councilmember Ronquillo arrived later in the afternoon.

(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(2A) * BILL (FOR INTRODUCTION) - AMENDING AND REPEALING SECTIONS AND SUBSECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO SOLID WASTE

Councilmember Duncan requested the matter be laid over two weeks to give private businesses, who would be affected by the ordinance, an opportunity to review it. By Council consensus, introduction of the ordinance was set for April 9th at 11:00 a.m., *with the time subsequently changed to 3:30 p.m.*

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RECOGNITION OF TARTAN DAY - COUNCILMEMBER CALHOUN

Councilmember Calhoun gave a brief overview of the history of Tartan Day and encouraged all to join in the celebration on April 6th.

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(3A) APPROVE THE MEMORANDUM OF AGREEMENT, “FRESNO, CALIFORNIA EMPOWERMENT ZONE”, BY INCLUDING CENSUS TRACTS 4, 7, 11 AND 20, AND EXCLUDING CENSUS TRACTS 13 AND 14.05 FOR DESIGNATION UNDER ROUND III OF THE FEDERAL EMPOWERMENT ZONE PROGRAM, AND AUTHORIZE THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY

Economic Development Manager Burkhardt reviewed the issue as contained in the staff report as submitted and a motion and second was made to approve staff’s recommendation.

Barbara Hunt, 612 “F” Street, spoke to the issue.

On motion of Councilmember Quintero, seconded by Acting President Castillo, duly carried, **RESOLVED**, the Memorandum of Agreement, “Fresno, California Empowerment Zone” hereby approved, as amended, by including Census Tracts 4, 7, 11 and 20 and excluding Census Tracts 13 and 14.05 for designation under Round III of the Federal Empowerment Zone Program, and the City Manager authorized to sign on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

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(3B) *BILL NO. B-13 (INTRODUCED 2/12/02) - ORDINANCE NO. 2002-18 - AMENDING SECTION 2-1652-1 OF THE FRESNO MUNICIPAL CODE RELATING TO SPECIAL PROVISIONS RELATIVE TO THE POLICE CADET CLASS

City Clerk Klisch corrected the Section from 2-1652.1 to 2-1652.4.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-13 adopted as Ordinance No. 2002-18, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3C) APPROVAL OF A DEDICATION PLAQUE FOR THE DOWNTOWN MULTIPURPOSE STADIUM

Councilmember Duncan noted the city manager had some concerns with the cost and recommended the matter be delayed or removed from the agenda until issues were resolved. Council decided to proceed whereupon Assistant Public Works Director Owens advised the problems associated with the cost had to do with the type of material and amount of verbiage and stated once those issues were narrowed down the cost could be refined further. Discussion ensued on the design, including Fresno citizens in the verbiage as the stadium was also their facility, the city manager explaining his discomfort with the cost issue, correction made relative to Councilmember Boyajian being the Council President in 2000, if past Councilmembers Mathys and Steitz wanted their names on the plaque since they were so opposed to the stadium, further corrections relative to the award date and the city manager in 2000, timeline to manufacture the plaque, Public Works Director Williamson requesting a Council sub-committee be appointed **(6 - 0)** to bring all issues to closure in one week, if it was appropriate to appropriate funding at this time, capping the amount, a theme, request for Council to E-Mail President Perea or Councilmember Boyajian on thoughts/ideas, and Councilmember Duncan commenting on the need to work hard to bring the cost down.

On motion of Councilmember Quintero, seconded by President Perea, duly carried, RESOLVED, the price for the stadium plaque capped at \$20,000, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(5A) APPOINTMENT OF FY 2002-2003 COUNCIL BUDGET COMMITTEE - PRESIDENT PEREA

President Perea stated the entire Council wanted to serve and noting he and Councilmembers Quintero and Ronquillo would be leaving recommended they all step aside. Councilmember Boyajian stated he had served for two years and recommended President Perea make the appointments.

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, Acting President Castillo and Councilmembers Calhoun and Duncan appointed to the FY 2003 Council Budget Committee, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

Upon question of Councilmember Duncan it was confirmed the Council Fiscal Responsibility Committee would be disbanded with the appointment of the new budget committee since as it is an ad-hoc committee. President Perea suggested the committee appoint a Chair and meet with the city manager and his staff to begin discussions on the upcoming budget.

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(5B) EXTEND THE EXISTING RESIDENTIAL PARKING DISTRICT NO. 3 AREA FROM MAPLE TO BARTON AND HUNTINGTON TO KINGS CANYON, AND ALSO INCLUDE THE AREA OF CEDAR TO 9TH AND TULARE TO VENTURA - COUNCILMEMBER QUINTERO

Briefly reviewed by Councilmember Quintero who stated the area had really been impacted due to UMC's need for an additional 200 parking spaces, the temporary buildings in Roosevelt's parking lot, and the ongoing events at the fairgrounds which all moved traffic into neighborhoods, and made a motion to approve his extension request, which motion was seconded by Councilmember Duncan. City Attorney Montoy stated a process to accomplish this was already in place and recommended the process be followed adding the matter would be brought back in resolution form and there was no need for Council action. Acting President Castillo requested the area around the Save Mart Arena also be included in the process, with Chief Transportation Engineer Madewell responding and advising briefly of the process that would be followed. There was no further discussion.

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(11:30 A.M.) REPORT ON THE AIRPORT CONCOURSE EXPANSION PROJECT

Acting President Castillo advised he scheduled the matter due to ongoing concerns, stated although Council received a report from the city manager it failed to mention in detail and outright whether the project to date was safe, noted it did not address the timeline that was given as a condition for an extension and elaborated, and questioned (1) delivery of the project and who would certify if it was safe, (2) the project's budget and how far it was over, and (3) Parsons Brinckerhoff's (PB) involvement after the project is completed. City Manager Hobbs and Assistant City Manager Esquivel responded giving a project update and addressing issues including project schedule, budget, building safety, observations, and steps planned to fix the problem.

Speaking to the issue were: Attorney Val Saldana, on behalf of Mauldin-Dorfmeier Construction (MDC), who stated MDC was committed to the success of the project and welcomed the review, and requested full and complete access to the review; and Barbara Hunt, 612 "F" Street.

Extensive discussion ensued with Mr. Esquivel, Mr. Hobbs, City Attorney Montoy, a representative of PB, a representative of DMJMH+N and Mr. Saldana responding to questions, comments and/or concerns of Acting President Castillo, Councilmember Calhoun, President Perea and Councilmember Boyajian relative to whether the project was going to be safe, if the timeline was realistic, the budget, if PB remaining on after the project was part of the contract and if the costs were included in the contract, how long PB would remain on after project was completed, if it

was common to have change orders following project completion, who determined what personnel should be involved/on site, if the City ever asked PB to have a certified engineer on site **(7 - 0)**, request for clarification on the roles of the airport director and Mr. Esquivel, support for retaining Mr. Esquivel in his position as long as necessary to get the project completed, concern with the Airport Director spending 50% of his time on the project, public safety being the issue and not personalities, concern with Mr. Esquivel “taking on too much”, need for a safety plan to be in place with the personnel changes, the project date continuing to slip, concern with the July date not being realistic when the last \$1 million expenditure was approved, if the airport architect thought the project was safe, nature of the audit McGladrey & Pullen would conduct versus what Mr. Esquivel will be doing, preference for the airport director to not be involved in the project at all, if the building design was not specific enough at the beginning, if there were issues with the glass, if there was more confidence with the glass than the steel issue, and improved communication and collaboration now occurring and need for it. Councilmember Boyajian thanked the city manager and stated he hoped this was a step in the right direction. There was no further discussion.

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(5C) STATUS REPORT ON THE GAP DEVELOPMENT AT 3400 N. GAP DRIVE - ACTING PRESIDENT CASTILLO

HECD Director Burkhardt, Assistant Public Works Director Holmes, City Attorney Montoy and Assistant City Attorney Hale responded to questions of Acting President Castillo and/or clarified issues relative to development status, contract compliance, if it would be appropriate for the City to reclaim some of the land that was sold if there was non-compliance, the ponding basin issue, staff bringing a report to Council on April 9th and what would be included in the report, if the Gap had plans to build out Phase 4, if moving the ponding basin would be included in the upcoming report, Phases 4 and 5 not being anticipated for build out, if the City had any recourse to take property back, and the option of the City buying back property.

Barbara Hunt, 612 “F” Street, spoke to the issue and there was no further discussion.

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(5D) DISCUSS AND CONSIDER POLICY REGARDING CITY OF FRESNO’S MANAGEMENT RECRUITMENT AND HIRING PRACTICES - COUNCILMEMBER CALHOUN

Councilmember Calhoun advised his concern was with the process and not with names or personalities; stated in his career he had never seen one person with such complete authority to hire and move around personnel as here in the City; and questioned if any Council members had any concerns or if direction needed to be given to staff. Councilmember Duncan spoke in support of the current practice stating in the public sector environment the ability to act quickly and find good talent was very important adding that was one reason why the city had been able to “take off”, and stated the city manager was responsible for the decisions he makes and the people he brings in and the authority needed to be left with him.

Lengthy discussion ensued with Assistant City Manager Souza, City Manager Hobbs, Councilmember Calhoun and City Attorney Montoy responding to questions and/or comments of Councilmembers Boyajian, Ronquillo, Quintero and President Perea relative to prior request for assurance that job classifications existed at the department head level,

if Council received the information on minimum requirements for department heads, clarification on the minimum requirements and meeting those requirements, what Councilmember Calhoun's intent was, Council and city manager authority/what the Charter allows for **(8 - 0)**, Council being able to strongly recommend (*not* order or direct) a hiring process be in writing, Council having the authority to be more pro-active in establishing qualifications for department heads, Mr. Hobbs commenting on his list of exceptional talent and stating he agreed with Councilmember Calhoun about protecting the merit principle but parted ways due to the need to move quickly citing the airport expansion project, and the prior form of government and who hired the city manager. Councilmember Quintero stated the city manager was doing a good job and he did not think he could support a policy change. President Perea commented on the issue and questioned what Council could do about department heads not performing when it affected the City as a whole, with Mr. Hobbs responding and stating he would welcome comments from Council as he needed to hear any information Council had so he could assess any situation. There was no further discussion.

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(5E) RECOMMEND COUNCIL OF GOVERNMENTS (COG) ALLOCATE FRESNO CMAQ FUNDS TO THE CITY OF CLOVIS FOR FRESNO'S SHARE OF THE CMAQ PEDESTRIAN UNDER-CROSSING PROJECT ON WILLOW AVENUE NORTH OF NEES AVENUE (RAILS TO TRAILS CORRIDOR) - COUNCILMEMBER DUNCAN

Transportation Manager Madewell gave an overview of the issue as contained in the staff report.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, staff directed to proceed with the COG process of providing CMAQ funds via the FTIP/COG process, up to the maximum of \$245,000 once the bids are received and the actual additional fund amounts are identified, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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The City Council and Redevelopment Agency reconvened in joint session at the hour of 4:21 p.m.

(“D” - 4:00 P.M.) CONSIDER AND GIVE DIRECTION TO CITY AND AGENCY STAFF REGARDING A CITY HOUSING POLICY AND PRIORITIZE THE USE OF HOUSING FUNDS CONSISTENT WITH THIS POLICY IN CITY NEIGHBORHOODS - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian thanked all involved and along with Mr. Hussmann advised staff was requesting a two week continuance to meet and discuss the matter further adding a policy was close, and made a motion to continue the matter to April 9th. Councilmember Ronquillo commented on the issue including the limited CDBG funds and the need to think creatively and seconded the motion. Councilmember Calhoun spoke in opposition to the motion stating Council discussion would be helpful for staff, and Chair Duncan spoke in support stating the committee had been working on the issue for months and it was important to get complete information.

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled matter continued to April 9, 2002, by the following vote:

Ayes	:	Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	Calhoun
Absent	:	None

UNSCHEDULED AGENCY ORAL COMMUNICATIONS

APPEARANCE BY BARBARA HUNT REGARDING (1) NEED FOR UPDATED AGENCY BY-LAWS, AND (2) PARKING LOT IMPROVEMENTS

Appearance made; no action taken.

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The joint bodies adjourned their meeting at 4:39 p.m. and the City Council reconvened in regular session.

(2:00 P.M. #2) CLOSED SESSION:

(“A”) CONFERENCE WITH LABOR NEGOTIATOR - CITY NEGOTIATORS: ANDREW SOUZA, SEVERO ESQUIVEL AND JORGE AGUINIGA - EMPLOYEES ORGANIZATIONS: INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39), AND AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)

(“B”) EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT CODE SECTION 54957 - CITY ATTORNEY

The City Council met in closed session at the hour of 4:45 p.m. to consider the above issues and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:30 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 9th day of April, 2002.

ATTEST:	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk